

L 10414

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 22973

PERMIT 15745

LICENSE 10414

ORDER REVOKING LICENSE IN PART FOR DIVERSION AND USE OF WATER

WHEREAS:

1. License 10414 was issued to Robert C. Schulze and was recorded with the County Recorder of Sacramento County on December 26, 1974, in Book 741226, Page 232.
2. The Licensee has filed a request with the State Water Resources Control Board for partial revocation of License 10414.

NOW, THEREFORE, IT IS ORDERED THAT:

1. License 10414 be, and it is, revoked in part by deleting from the license the following:

"(A) Three-tenths (0.3) cubic foot per second by direct diversion, to be diverted from April 15 to October 15 of each year; and (B)"

"So long as there is no interference with other rights, junior, as well as senior, licensee may increase his rate of diversion to a maximum of 2.94 cubic feet per second; provided that the total quantity diverted in any 30-day period does not exceed 18 acre-feet." "The total amount of water to be taken from the source (direct diversion plus collection to storage) shall not exceed 112 acre-feet per year."

2. License 10414 now reads in part "...shall not exceed twenty (20) acre-feet per annum by storage, to be collected from October 15 of each year to April 15 of the succeeding year."

Dated: MARCH 20 1981

for *L. O. Johnson*
Walter O. Pettit, Chief
Division of Water Rights



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
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License for Diversion and Use of Water

APPLICATION 22973

PERMIT 15745

LICENSE 10414

THIS IS TO CERTIFY, That

ROBERT C. SCHULZE
P. O. BOX 580, DIXON, CALIFORNIA 95620

HAS made proof as of AUGUST 1, 1973 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
COSUMNES RIVER OVERFLOW IN SACRAMENTO COUNTY

tributary to **COSUMNES RIVER**

for the purpose of **IRRIGATION AND RECREATIONAL USES**
under Permit **15745** of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from **JANUARY 24, 1968** and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed (A) **THREE-TENTHS (0.3) CUBIC FOOT PER SECOND BY DIRECT**
DIVERSION, TO BE DIVERTED FROM APRIL 15 TO OCTOBER 15 OF EACH YEAR; AND
(B) TWENTY (20) ACRE-FEET PER ANNUM BY STORAGE, TO BE COLLECTED FROM OCTOBER 15
OF EACH YEAR TO APRIL 15 OF THE SUCCEEDING YEAR. SO LONG AS THERE IS NO INTER-
ERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS
RATE OF DIVERSION TO A MAXIMUM OF 2.94 CUBIC FEET PER SECOND; PROVIDED THAT THE
TOTAL QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 18 ACRE-FEET. THE
TOTAL AMOUNT OF WATER TO BE TAKEN FROM THE SOURCE (DIRECT DIVERSION PLUS
COLLECTION TO STORAGE) SHALL NOT EXCEED 112 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 2,150 FEET AND WEST 2,900 FEET FROM SE CORNER OF SECTION 15, T6N, R6E,
MDB&M, BEING WITHIN NE1/4 OF SW1/4 OF SAID SECTION 15.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

RECREATIONAL USE AT RESERVOIR WITHIN NE1/4 OF SW1/4, NW1/4 OF SE1/4, SE1/4 OF NW1/4
AND SW1/4 OF NE1/4 OF SECTION 15, T6N, R6E, MDB&M, AND IRRIGATION AS FOLLOWS:

6.3 ACRES WITHIN SW1/4 OF NE1/4 OF SECTION 15, T6N, R6E, MDB&M
13.6 ACRES WITHIN SE1/4 OF NE1/4 OF SECTION 15, T6N, R6E, MDB&M
12.4 ACRES WITHIN NW1/4 OF SE1/4 OF SECTION 15, T6N, R6E, MDB&M
7.7 ACRES WITHIN NE1/4 OF SE1/4 OF SECTION 15, T6N, R6E, MDB&M

40 ACRES TOTAL

THIS LICENSE DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

UPON A JUDICIAL DETERMINATION THAT THE PLACE OF USE UNDER THIS LICENSE OR A PORTION THEREOF IS ENTITLED TO THE USE OF WATER BY RIPARIAN RIGHT, THE RIGHT SO DETERMINED AND THE RIGHT ACQUIRED UNDER THIS LICENSE SHALL NOT RESULT IN A COMBINED RIGHT TO THE USE OF WATER IN EXCESS OF THAT WHICH COULD BE CLAIMED UNDER THE LARGER OF THE TWO RIGHTS.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: DEC 23 1974

STATE WATER RESOURCES CONTROL BOARD

R. A. Rosenberger
Chief, Division of Water Rights

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